

CHAPTER NO. 373

HOUSE BILL NO. 2182

By Representatives Ulysses Jones, Langster, Yokley

Substituted for: Senate Bill No. 2198

By Senators Haynes, Cooper

AN ACT to amend Tennessee Code Annotated, Title 13, Chapter 24, Part 3, relative to telecommunications services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 13, Chapter 24, Part 3, is amended by adding the following new sections:

Section 13-24-304. A municipal, county or regional planning commission or any municipal or county legislative body, hereinafter referred to as an authority, that has adopted planning and zoning regulations may plan for and regulate the siting of wireless telecommunications support structures in accordance with locally adopted planning or zoning regulations and this chapter.

Section 13-24-305.

(a) In regulating the placement of a wireless telecommunications support structure, an authority may not:

(1) Regulate the placement of an antenna or related equipment for an existing wireless telecommunications support structure; provided, however, if the placement of an antenna on an existing wireless telecommunications support structure requires an extension, such placement may be regulated if such extension would require the wireless telecommunications support structure to have lighting or if such extension exceeds the height limitation of the authority. If a co-location occurs, such co-location may not be considered an expansion, and the appropriate authority may not impose additional costs or operating restrictions on the applicant for such co-location unless such support structure is owned by the authority; or

(2) Require the applicant to provide any sort of justification for radio frequency need; or

(3) Act to prohibit or have the effect of prohibiting the provision of personal wireless services.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 25, 2005



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 7th day of June 2005



PHIL BREDESEN, GOVERNOR